

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0300181	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/GB2004/002890	International filing date (day/month/year) 02.07.2004	Priority date (day/month/year) 08.07.2003
International Patent Classification (IPC) or national classification and IPC B64C25/26, E05C3/24, E05B47/06		
Applicant SMITHS GROUP PLC et al.		

<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 15.12.2004	Date of completion of this report 11.10.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer PEREZ MENDEZ, J Telephone No. +31 70 340-



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	8,10
	No:	Claims	1-7,9
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

and /or

2. Non-written disclosures (Rule 70.9)

see separate sheet

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Re Item V.

1. The following documents are referred to in this communication:

D1: US-B-6 474 7041 (RATHMANN KLAUS ET AL) 5 November 2002
D2: EP-A-0 978 609 (VALEO SECURITE HABITACLE) 9 February 2000
D3: DE 44 05 547 A (DAIMLER BENZ AEROSPACE AG) 24 August 1995
D4: US-A-4 979 384 (MALESKO MICHAEL W ET AL) 25 December 1990
D5: US-A-5 288 037 (DERRIEN MICHEL) 22 February 1994

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 (see Fig. 1) discloses (the references in parenthesis applying to this document):

a locking mechanism for engaging and retaining a movable member (3), whereby the mechanism includes a hook member (2) mounted for angular displacement about a first axis such that the hook member (2) is movable into and out of retaining engagement with the movable member (3), a latch member (4) mounted for angular displacement about a second axis (5) parallel with the first axis, the latch member (4) having a portion thereof spaced from the second axis, which can be located to prevent movement of the hook member (2) out of retaining engagement, and first and second actuators (10, 13) operable to rotate the latch member (4) about the second axis (5) such that the portion is movable to a position where it does not prevent movement of the hook member (2) out of retaining engagement, and whereby the second (13) actuator is a rotary actuator and includes a cam (8, 9) arranged for rotation about a third axis [mounted about the pivot 5 (or alternatively about a further pivot)", see col. 2, lines 34, 35] parallel to the second axis (5) and located to engage a part of the latch member (4).

Consequently, the features of claim 1 are known from D1.

- 2.2 Also the locking mechanisms described in D2, D3 and D4 comprise all the

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features of independent claim 1, and are thus novelty destroying documents for claim 1.

3. DEPENDENT CLAIMS 2-7, 9

Dependent claims 2-7, 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT), see documents D1-D4 and the corresponding passages cited in the search report.

4. DEPENDENT CLAIMS 8, 10

Dependent claims 8, 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step in the sense of Article 33(3) PCT, see especially document D5.